

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 67 be amended to read as follows:

- 1 Delete the title and insert the following: A BILL FOR AN ACT to
- 2 amend the Indiana Code concerning corrections, criminal law and
- 3 procedure.
- 4 Page 2, after line 15 , begin a new paragraph and insert:
- 5 SECTION 3. IC 11-11-3-10 IS ADDED TO THE INDIANA
- 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a) This section applies to**
- 8 **a telephone calling system provided for confined offenders.**
- 9 **(b) The amount billed for a contractor 0+, 00-, or 01+ call**
- 10 **placed by a confined offender shall reflect on a one for one basis all**
- 11 **discounts and commissions offered by a telecommunications**
- 12 **provider to the department, including any facility or employee of**
- 13 **the department, through the request for proposal ("RFP") bidding**
- 14 **process.**
- 15 **(c) If the amount billed for a contractor 0+, 00-, or 01+ call**
- 16 **placed by a confined offender does not reflect on a one for one**
- 17 **basis all discounts and commissions received through the RFP**
- 18 **bidding process by the department, including any facility or**
- 19 **employee of the department, the department shall do one (1) of the**
- 20 **following:**
- 21 **(1) The department may refund on a prorated basis all**
- 22 **discounts and commissions received from a**
- 23 **telecommunications provider under the process described in**
- 24 **subsection (d).**
- 25 **(2) The department, through the State of Indiana, may**
- 26 **submit a new RFP for a custom network service for public**
- 27 **telephone interlata, intrastate, and interstate long distance**

1 services for confined offenders. At a minimum, the RFP shall
2 contain the following:

3 (A) Any security and fraud control services considered
4 necessary by the department, including the use of 0+
5 collect calling services as the sole means of confined
6 offender communications with the general population.

7 (B) A prohibition against the receipt by the department,
8 including any facility or employee of the department, of
9 any fee, discount, commission, or other consideration for
10 contractor 0+ calls placed by a confined offender.

11 (d) A person may claim a refund from the department by
12 providing the department a copy of the person's
13 telecommunications bill indicating all charges for contractor 0+,
14 00-, and 01+ calls placed by a confined offender. Not later than
15 thirty (30) days after receiving the copy of the telecommunications
16 bill, the department shall refund to the person that portion of the
17 charges for contractor 0+, 00-, and 01+ calls placed by a confined
18 offender equal to the percentage of the discount or commission
19 received by the department for contractor 0+, 00-, or 01+ calls
20 placed by the confined offender.

21 (e) The department, including any facility or employee of the
22 department, may not receive any:

- 23 (1) fee;
24 (2) discount;
25 (3) commission; or
26 (4) other consideration;

27 from a provider in return for use by a confined offender of the
28 provider's telephone service.

29 SECTION 4. IC 11-12-2-14 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section applies to
32 a telephone calling system provided for confined offenders.

33 (b) The amount billed for a contractor 0+, 00-, or 01+ call
34 placed by a confined offender shall reflect on a one for one basis all
35 discounts and commissions offered by a telecommunications
36 provider to the community corrections advisory board, including
37 any facility or employee of the board, through a competitive
38 bidding process.

39 (c) If the amount billed for a contractor 0+, 00-, or 01+ call
40 placed by a confined offender does not reflect on a one for one
41 basis all discounts and commissions received through the
42 competitive bidding process by the board, including any facility or
43 employee of the board, the board shall do one (1) of the following:

44 (1) The board may refund on a prorated basis all discounts
45 and commissions received from a telecommunications
46 provider under the process described in subsection (d).

47 (2) The board may submit a new bid proposal for a custom
48 network service for public telephone interlata, intrastate,
49 and interstate long distance services for confined offenders.

50 At a minimum, the bid proposal shall contain the following:

51 (A) Any security and fraud control services considered
52 necessary by the board, including the use of 0+ collect

calling services as the sole means of confined offender communications with the general population.

(B) A prohibition against the receipt by the board, including any facility or employee of the board, of any fee, discount, commission, or other consideration for contractor 0+ calls placed by a confined offender.

(d) A person may claim a refund from the board by providing the board a copy of the person's telecommunications bill indicating all charges for contractor 0+, 00-, and 01+ calls placed by a confined offender. Not later than thirty (30) days after receiving the copy of the telecommunications bill, the board shall refund to the person that portion of the charges for contractor 0+, 00-, and 01+ calls placed by a confined offender equal to the percentage of the discount or commission received by the department for contractor 0+, 00-, or 01+ calls placed by the confined offender.

(e) The board or any community corrections program employee may not receive any:

- (1) fee;
- (2) discount;
- (3) commission; or
- (4) other consideration;

from a provider in return for use by a confined offender of the provider's telephone service.

SECTION 5. IC 11-12-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section applies to a telephone calling system provided for confined offenders.

(b) The amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender shall reflect on a one for one basis all discounts and commissions offered by a telecommunications provider to the county jail, including any facility or employee of the jail, through a competitive bidding process.

(c) If the amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender does not reflect on a one for one basis all discounts and commissions received through the competitive bidding process by the jail, including any facility or employee of the jail, the jail shall do one (1) of the following:

- (1) The jail may refund on a prorated basis all discounts and commissions received from a telecommunications provider under the process described in subsection (d).
- (2) The jail may submit a new bid proposal for a custom network service for public telephone interlata, intrastate, and interstate long distance services for confined offenders.

At a minimum, the bid proposal shall contain the following:

(A) Any security and fraud control services considered necessary by the jail, including the use of 0+ collect calling services as the sole means of confined offender communications with the general population.

(B) A prohibition against the receipt by the jail, including any facility or employee of the jail, of any fee,

discount, commission, or other consideration for contractor 0+ calls placed by a confined offender.

(d) A person may claim a refund from the jail by providing the jail a copy of the person's telecommunications bill indicating all charges for contractor 0+, 00-, and 01+ calls placed by a confined offender. Not later than thirty (30) days after receiving the copy of the telecommunications bill, the jail shall refund to the person that portion of the charges for contractor 0+, 00-, and 01+ calls placed by a confined offender equal to the percentage of the discount or commission received by the jail for contractor 0+, 00-, or 01+ calls placed by the confined offender.

(e) The county jail, including any jail officer or employee, may not receive any:

- (1) fee;
- (2) discount;
- (3) commission; or
- (4) other consideration;

from a provider in return for use by a confined offender of the provider's telephone service.

SECTION 6. IC 31-31-8-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section applies to a telephone calling system provided for confined offenders.

(b) The amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender shall reflect on a one for one basis all discounts and commissions offered by a telecommunications provider to the juvenile detention facility, including any facility employee, through a competitive bidding process.

(c) If the amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender does not reflect on a one for one basis all discounts and commissions received through the competitive bidding process by the facility, including any facility employee, the facility shall do one (1) of the following:

- (1) The facility may refund on a prorated basis all discounts and commissions received from a telecommunications provider under the process described in subsection (d).
- (2) The facility, through the State of Indiana, may submit a new bid proposal for a custom network service for public telephone interlata, intrastate, and interstate long distance services for confined offenders. At a minimum, the bid proposal shall contain the following:

(A) Any security and fraud control services considered necessary by the facility, including the use of 0+ collect calling services as the sole means of confined offender communications with the general population.

(B) A prohibition against the receipt by the facility, including any facility employee, of any fee, discount, commission, or other consideration for contractor 0+ calls placed by a confined offender.

(d) A person may claim a refund from the facility by providing

the facility a copy of the person's telecommunications bill indicating all charges for contractor 0+, 00-, and 01+ calls placed by a confined offender. Not later than thirty (30) days after receiving the copy of the telecommunications bill, the facility shall refund to the person that portion of the charges for contractor 0+, 00-, and 01+ calls placed by a confined offender equal to the percentage of the discount or commission received by the facility for contractor 0+, 00-, or 01+ calls placed by the confined offender.

(e) The facility, including any facility employee, may not receive any:

- (1) fee;
- (2) discount;
- (3) commission; or
- (4) other consideration;

from a provider in return for use by a confined offender of the provider's telephone service.

SECTION 7. IC 31-31-9-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to a telephone calling system provided for confined offenders.

(b) The amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender shall reflect on a one for one basis all discounts and commissions offered by a telecommunications provider to the juvenile detention center, including any center employee, through a contract bidding process.

(c) If the amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender does not reflect on a one for one basis all discounts and commissions received through the contract bidding process by the center, including any center employee, the center shall do one (1) of the following:

(1) The center may refund on a prorated basis all discounts and commissions received from a telecommunications provider under the process described in subsection (d).

(2) The center may submit a new bid proposal for a custom network service for public telephone interlata, intrastate, and interstate long distance services for confined offenders.

At a minimum, the bid proposal shall contain the following:

(A) Any security and fraud control services considered necessary by the center, including the use of 0+ collect calling services as the sole means of confined offender communications with the general population.

(B) A prohibition against the receipt by the center, including any center employee, of any fee, discount, commission, or other consideration for contractor 0+ calls placed by a confined offender.

(d) A person may claim a refund from the center by providing the center a copy of the person's telecommunications bill indicating all charges for contractor 0+, 00-, and 01+ calls placed by a confined offender. Not later than thirty (30) days after receiving the copy of the telecommunications bill, the center shall refund to

1 **the person that portion of the charges for contractor 0+, 00-, and**
2 **01+ calls placed by a confined offender equal to the percentage of**
3 **the discount or commission received by the center for contractor**
4 **0+, 00-, or 01+ calls placed by the confined offender.**

5 **(e) The center, including any center employee, may not receive**
6 **any:**

7 **(1) fee;**

8 **(2) discount;**

9 **(3) commission; or**

10 **(4) other consideration;**

11 **from a provider in return for use by a confined offender of the**
12 **provider's telephone service.**

13 Renumber all SECTIONS consecutively.

 (Reference is to Senate Bill 67 as reprinted March 6, 2001.)

Representative SMITH V